

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 769 (AJN)

5 YURI LEBEDEV and TREVON GROSS,

6 Defendants.

Jury Trial

7 -----x

8 New York, N.Y.
9 March 16, 2017
3:53 p.m.

10 Before:

11 HON. ALISON J. NATHAN,

12 District Judge
13 And A Jury

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

18 BY: EUN YOUNG CHOI

19 WON S. SHIN

Assistant United States Attorneys

20 MICHAEL CHANG-FRIEDEN, Paralegal

21 EMILY GRANT, Paralegal

22 CREIZMAN, PLLC

Attorneys for Defendant Yuri Lebedev

23 BY: ERIC M. CREIZMAN

24 MELISSA MADRIGAL

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25 KROVATIN KLINGEMAN, LLC

Attorneys for Defendant Trevon Gross

BY: KRISTEN M. SANTILLO

BY: HENRY E. KLINGEMAN

1 THE COURT: We have a note from the jury that reads,
2 "We would like to request the entire testimony of the following
3 witnesses: Number 1, Christian Wilson; number 2, Erica
4 Michelle Heinrich; number 3, Kimberly Hett. Thank you. Juror
5 number 2 on behalf of jury."

6 MS. CHOI: I think we have those prepared if defense
7 counsel wants to take a look at them. Those are witnesses that
8 concern the bank and wire fraud charges and not the charges
9 against Mr. Gross.

10 THE COURT: Are you sending them to defense counsel?

11 MS. CHOI: I think they already have them. I don't
12 know if they're looking at them right now.

13 MR. CREIZMAN: I'm looking at them right now.

14 THE COURT: Were there redactions in them?

15 MS. CHOI: Yes, your Honor. We went ahead and made
16 proposed redactions. If they're okay with it, we can redact
17 it, send it to your Honor's chambers, and you can print them
18 here, I think.

19 THE COURT: We'll mark this as Court Exhibit 7.

20 (Pause)

21 THE COURT: Just to note an anomaly. On the envelope
22 that this came in, the foreperson, I presume, wrote the date
23 March 16, 2017 and wrote the time at 4:40 p.m., which is in the
24 future.

25 MS. CHOI: Daylight savings.

1 THE COURT: The time now is just about 4:00, and I
2 think we got this ten minutes ago, 15 minutes ago.

3 MS. CHOI: Your Honor, just for our own planning
4 purposes, I don't know how you left it with the jury in terms
5 of when they wanted to be dismissed. Were they supposed to
6 send you a note at any time?

7 THE COURT: I haven't seen them today, so what I said
8 at the end of the day yesterday was that today would be the
9 same procedure as yesterday. I think implicit in that is
10 they'll let me know when they want to go.

11 MS. CHOI: Okay. Sounds good.

12 THE COURT: Yes.

13 (Pause)

14 THE COURT: If you've completed some of them we can
15 send them and start printing. They're not long?

16 MS. CHOI: Yes, I think they're all very short. I put
17 them on in a row, less than half a day, I think.

18 THE COURT: Do we have agreement as to what's going
19 back to the jury?

20 MR. CREIZMAN: Yes, we do. Your Honor, with respect
21 to the redactions, for Lebedev, we have no problems, no issues
22 with the government's redactions. The only issue is that on
23 pages 3060 to 3062 of the transcript, which begins the cross of
24 Mr. Wilson, it incorrectly says "Fry - cross", and so I don't
25 know exactly how that's being dealt with, but I am assuming

1 that that's being either redacted or changed.

2 MR. SHIN: We're just proposing to redact out that
3 incorrect heading on those pages.

4 THE COURT: All right. In total there is agreement?

5 MR. SHIN: Yes.

6 MR. KLINGEMAN: Yes.

7 THE COURT: Mr. Klingeman, as well. All right. The
8 government's off printing it now?

9 MR. SHIN: Yes.

10 THE COURT: We'll try at the same time, and whoever
11 gets it done first, if we have agreement as to what's going
12 back then I'm comfortable, as soon as it's printed either on
13 this printer or back from the government, if everybody knows
14 what's being printed, as long as that's what's handed to
15 Ms. Nuñez, she'll give it to the CSO and it'll go back without
16 further need for court appearance.

17 MS. CHOI: Understood. We'll stay here until it's
18 given back, unless there's further direction from the Court.

19 THE COURT: We have two of the three printed. Can you
20 send the third and we can get those?

21 MS. CHOI: Ms. Nuñez should have just received the
22 third.

23 THE COURT: I have Heinrich pages 3103 through 3115, I
24 have Hett, 3116 through 3126, then the last is Wilson, pages
25 3038 through 3096 with the agreed-upon redactions. With

1 everybody's agreement, these will go to the jury through the
2 CSO now, and I'll step down and wait to hear from the jury.

3 As I say, I presume we'll hear from them regarding
4 dismissal time, so we'll wait to hear from them. Thank you.

5 (Recess)

6 THE COURT: The note from the jury says "We would like
7 to request to be dismissed at 5:00 p.m. today as our
8 deliberations will continue into tomorrow, March 17th."

9 We'll mark that as Court Exhibit 8, and I'll be back
10 in a few minutes.

11 (Recess)

12 THE COURT: Anything to take up before I dismiss the
13 jury?

14 MR. KLINGEMAN: No, thank you.

15 MR. SHIN: No, your Honor.

16 THE COURT: All right. Bring in the jury.

17 (Jury present)

18 THE COURT: Hello, members of the jury. I haven't
19 seen you yet today, so good afternoon to you.

20 I did receive your note a short while ago indicating
21 that you'd like to be dismissed at 5:00 today to continue your
22 deliberations tomorrow, so we will do that, of course bearing
23 my instructions in mind.

24 Same procedure for tomorrow as for today. Please be
25 here and ready to go by 9:30, and once all 12 of you are in the

1 room, you may begin our deliberations and we will wait to hear
2 from you.

3 Thank you so much. Have a good night. See you
4 tomorrow.

5 (Jury not present)

6 THE COURT: Matters to take up?

7 MR. KLINGEMAN: No, your Honor.

8 THE COURT: All right. See everyone tomorrow. Have a
9 good night.

10 MR. CREIZMAN: Your Honor, I think there's a question
11 from the group as to what time to arrive tomorrow. If I have
12 to again, I'm happy to arrive at 8:30, just like I did this
13 morning.

14 THE COURT: I think as long as you're here by 9:30,
15 famous last words.

16 MS. CHOI: I presume, your Honor, if there's anything
17 that changes with regard to illness or otherwise, we'll get a
18 note from Ms. Nuñez?

19 THE COURT: Yes. If you're here and ready to go by
20 9:30, I think that will be fine. Thank you.

21 (Adjourned to March 17, 2017 at 9:30 a.m.)
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